

# Love, Marriage, and the Documents That Bind (Susan A. King quoted)

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Susan A. King, a member of Moss & Barnett's wealth preservation and estate planning team, was quoted in the *Lavender Magazine* article, "Love, Marriage, and the Documents That Bind" (written by E.B. Boatner, March 12, 2020). Excerpts from that article appear below.

Paperwork doesn't end with a couple's wedding certificate. There are other important documents needed, as ballast, if you will, steadying the keel of the ship of marriage. Jerry Burg of Jerry A. Burg Law Offices and Susan King of Moss & Barnett recently reminded us of documents that married couples should put in place to make sure that medical and fiduciary concerns are protected.

Susan King

*What are your suggestions for setting up an estate plan? What conflicts might you anticipate?*

Estate planning can be overwhelming, and some individuals may either not execute these documents or execute them hastily, without considering possible conflicts. By not executing these documents — Last Will and Testament, Revocable Trust, Health Care Directive or Power of Attorney — you have no control of your medical and financial decision-making, both during your lifetime and after your death.

If you execute documents without addressing potential areas of conflict — family dynamics, your appointees' differing religious and political views and lifestyle choices — the documents will serve little purpose.

Appoint people you know will make the medical and financial decisions you want. Express your wishes clearly, and make certain they will honor these wishes before you sign your documents. Potentially uncomfortable, these conversations are necessary. People often assume estate planning involves only the distribution of assets upon your death, unaware that one of the most crucial elements may be making medical and financial decisions during your lifetime, should you become incapacitated. If you have not executed documents, or if there is conflict among your appointees, your family can end up in court, a process not only time-intensive and expensive, but one that takes control from you and puts it into the hands of the court.

Distribution provisions are another potential source of conflict. If you specifically intend to omit an individual or treat individuals unequally, include a statement of intent. This statement provides context for your decisions, adds guidance for your beneficiaries, and deters challenges. Updating your documents regularly also helps forestall challenges. Making certain all intended beneficiaries have been included, none accidentally omitted, and that no documents have been signed in haste



due to a medical emergency will insure your wishes are honored. Updating should include notifying your attorney of any changes in order to ensure that your documents always reflect your current wishes.

*What services does your firm offer for estate and trust administration?*

Moss and Barnett is a full-service law firm, representing a wide spectrum of clients in the probate and trust administration process, able to handle any litigation that might arise. We work with clients throughout the entire process: court appearance, tax return preparation, collaborating with other professional advisors throughout the administration process.

*Are there other aspects of estate planning and administration you feel are important?*

Estate planning is a fluid process; regular updates allow you to communicate your preferences at any stage of your life to family, friends, and fiduciaries. Establishing a trusting and open relationship with your attorney will make this process as seamless and painless as possible.

## **Attorneys**

Susan A. King

## **Practice Areas**

Estate Planning and Wealth Preservation

